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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 DANNY A WING SR,

11 Plaintiff,

12 v.

13 LEWIS COUNTY, at al.,

14 Defendants.

CASE NO. 3:19-CV-05033-RJB-DWC

ORDER GRANTING MOTION TO  
STAY DISCOVERY

15 The District Court has referred this action, filed pursuant to 42 U.S.C. § 1983, to United  
16 States Magistrate Judge David W. Christel. On June 6, 2019, Defendants filed a Motion to Stay  
17 Discovery requesting the Court stay discovery pending the resolution of their Motion for  
18 Summary Judgment. Dkt. 25. Plaintiff, through counsel, filed a Response to the Motion deferring  
19 to the Court's discretion in considering the Motion to Stay Discovery. Dkt. 27.

20 The Court has broad discretionary powers to control discovery. *Little v. City of Seattle*,  
21 863 F.2d 681, 685 (9th Cir.1988). A court may relieve a party of the burdens of discovery while  
22 a dispositive motion is pending. *See Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984);  
23 *DiMartini v. Ferrin*, 889 F.2d 922, 926 (9th Cir. 1989), *amended at* 906 F.2d 465 (9th Cir.  
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1 1990); *see also* *Ministerio Roca Solida v. U.S. Dep't of Fish & Wildlife*, 288 F.R.D. 500, 506 (D.  
2 Nev. 2013) (permitting a stay of discovery where a pending dispositive motion is (1) “potentially  
3 dispositive of the entire case or at least dispositive of the issue on which discovery is sought” and  
4 (2) can be decided without additional discovery). “The Supreme Court has held that until the  
5 threshold issue of [qualified] immunity is resolved, discovery should not proceed.” *DiMartini*,  
6 889 F.2d at 926.

7 Here, the pending Motion for Summary Judgment addresses all claims alleged in the  
8 Complaint and asserts Defendants are entitled to qualified immunity. *See* Dkt. 1, 12. The Court  
9 finds the Motion for Summary Judgment will potentially result in a dismissal of the entire action  
10 and can render a decision on the Motion for Summary Judgment without additional discovery.<sup>1</sup>  
11 Further, the Court finds a stay would advance the efficiency of the Court and litigants. Thus,  
12 Defendants Motion to Stay Discovery (Dkt. 25) is granted. Discovery is stayed until the  
13 resolution of the pending Motion for Summary Judgment.

14 Dated this 27th day of June, 2019.

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17 David W. Christel  
18 United States Magistrate Judge  
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23 <sup>1</sup> The Court notes Plaintiff requested the Motion for Summary Judgment be dismissed and he be allowed to  
24 conduct additional discovery pursuant to Rule 56(d) of the Federal Rules of Civil Procedure. *See* Dkt. 19. If the  
Court deems it appropriate to grant Plaintiff’s Rule 56(d) request, the Court will lift this stay.